

1884-015 Chancery Causes: Samuel Howard sr. vs. John F. Howard
Lee Co.

CA-Debt
T-Property

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Va
Your orator Samuel Howard Jr. Humbly
Complaining, respectfully represents that
that heretofore to wit at the March term 1867
this Honorable Court, your orator obtained
a judgement against one John H. Howard
of Lee County for the sum of \$105.19
and legal interest thereon from the
17th day of May 1870 until
paid and the sum of \$7.00 costs of
suit upon this judgement a fi fa
issued and was placed in the
hands of J. S. Ely Sheriff of said County
for collection and was by him re-
turned "no property found," a copy
of this fi fa marked "A." will in
due time be filed with this bill and is
prayed to be considered herewith.

The said John H. Howard, at the time
of the rendition of said judgement and
at this time owns a small farm some
14 miles West of Jonesville in the Poor-
valley ^{adjoining the lands of Mr. W. Fullen} ^{Major Fullen's estate} in the
neighborhood of Rose Hill, the
rents and profits of which will not
in five years pay said debt.

upon this land your orator is advised
his Judgment is a lien, to enforce which
for the payment of his debt is the
object of this suit. His prayer therefore
is that John F. Howard be made a
party defendant to this bill and
answer its allegations upon oath that
on a hearing a decree be rendered
enforcing the payment of said debt by
a sale of so much of said land
as may be necessary to pay the
same & the cost of suit & for all
other just & General relief. May
your issue &c.

Attest & Preliminary

At 6/11/60

Samuel Howards

V. } Bill Chy

John H. Howard

1877. Feb. Bill Filed. Sp. not

1879. Dec. Sp. Executed D. N.

1880. Jan. D. N. Contd. & set for
hearing by Plff.

1880. March. Decree & Contd.

1881. May. Decree & Contd.

1881. Aug. Continued.

1882. Mr. Aug & Nov. Contd.

1883. Mr. Aug & Nov. Contd.

1884. Contd. 1885. Contd.

6 5.53 to Aug 1880.

7 15.00

8 5.00

21.03

6.00

27.03

2.00 to paid

Estimated

On 6/11/60

Samuel Howard Plff.

against

In Ans.

John L. Howard Deft.

It being suggested by the plff that since the last term of this Court ~~petition of this Court~~ the defendant John L. Howard has departed this life intestate and Herman J. Howard has qualified as his administrator the cause is by the consent of said administrator revived & ordered to be proceeded in his name to a final hearing. And therefore said administrator further moved that the cause come on again to be heard this day upon the papers formerly read and the report of L. S. Putnam, special Commissioner filed March 8th 1881. And was argued by Counsel, and no exceptions appearing to said report the same is confirmed and the sale thereunder made final. And when the purchase money shall fall due said Commissioner will proceed to collect the same, and pay out the amount due the plff. But before proceeding to collect any sums hereunder the Commissioner will execute bond before the Clerk of this Court in a penalty of \$500. Condition to duly perform the duties assigned him this decree. And the cause is continued.

Samuel Howard

against & scene

John L. Howard, admr
March 20 1881.

Entered Page - 178
Jno. L. On. D.C.

Entered this
April 20 1881.
In A.K.

Samuel Howard


against

John H. Howard.

} In ch.

This cause came on this day to be heard upon the bill taken for confessed and exhibits filed and was argued by counsel, on consideration whereof and for reasons appearing to the Court it is adjudged ordered and decreed that the plff recover from the defendant the sum of \$112.19. and legal interest on \$108.19 part thereof from the 17th. day of May 1870. and the costs of this suit. And unless the plff or some one for him pay and discharge the same within 20 days from this date, then that A. L. Pridemore who is hereby appointed a special commissioner for the purpose do proceed after advertising the time terms and place of sale for at least 30 days in the front door of the Court House of this county and at one or more places in the neighborhood where the land lies, to sell the land in the bill mentioned or so much thereof as may be necessary to pay the debt herein and the costs of this suit - He will sell the same by public outcry to the highest bidder ^{at the front door of the Court House} on a credit of 12 months, except so much as may be necessary to pay the costs of suit & sale

Samuel Howard

against  Decree

John F. Howard

March 5. 1880

Entered on \$2999 & 100.
Teste Jas. H. Orr, Clerk

Enter this

March 29 1880
Jr. J. H. K.

which he will require to be paid in hand. He will take bond payable to himself as commissary, bearing interest from date. He will report his action to this court from time to time and the cause is continued.

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia.

The undersigned who was appointed a special
Commissioner for the purpose of selling certain
lands mentioned in the case of "Samuel Howard
against John H. Howard," begs leave to report
that in pursuance with said decree, he
advertised the land in the bill mentioned and on
the day of November, being the first day of Court
Court for that month, he offered said land for
sale, to the highest bidder, and the same was
knocked down to the plff for the sum of \$220.
45; the estimated debt interest - costs & commis-
sions the plff however had only directed your
Commissioner who was also his one of his
attorneys to do this to save his debt. Soon
after this the defendant John H. Howard the
defendant departed this life intestate and
his son Herman J. Howard qualified as his
administrator and he applied to your Court,
for the privilege of having said bill transferred
to him with a view to save the land for himself
or co-heirs, and as the plff would be satisfied
with the collection of his debt, on his part
acting as his counsel, and being introduced to make
the debt if possible as he did not want

in Virginia being a Kentuckian, I agreed
with said Howard advr, that if he or the
heirs would pay said debt interest and
costs I would report the facts to the court
and express my willingness, as of council
for the plff to take the same - In pursuance
of this understanding the said Howard on the
2^d day of Feb. 1881, executed to your Court
his bond due twelve months after date for
the sum of one hundred & ninety eight dollars
or 81 cts, with interest from date, with
James Ramey security thereto which your
Court was to put the same, to the order of the said
Commissioner of the Court, goods, but as the legal
title has descended to the said Howard, his
and his administrator undertakes the payment
of the debt, when so paid it will extinguish
the judgment lien and no deed of convey-
ance need be made. Your Court deems
this arrangement just to the heirs and all that
the plff could ask. He therefore recommends
its adoption. All of which is respectfully
submitted. A. L. Pridemore
Special Counsel

Samuel Howard

John H. Howard

Com. & L. Pridemore

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia -

~~After~~ undersigned Commissioner, in the case
of Samuel Howard against John H. Howard
begs leave to report, that in pursuance
of the decree in said case rendered he
advertised the land in the bill mentioned and
on the 1st day of November being the first
day of County Court of that month he of-
fered said land to the highest & best bidder
by public out-cry where the same was
the damages of John H. Howard, who is acting for himself and
knock off William Howard for the debt
interest & costs which on that day amounted
to the sum principal \$105.19 Int \$66.26 -
costs at Court = \$1.75, 45 - costs of suit
& sale, \$40. - 40 00 - 218.45, and
although this seems to be a low sale yet
the law has been offered the land for that
bid & they thus for fail to purchase -
soon after said sale the said John H.
Howard departed this life - Your commission
therefore recommends a confirmation of said
sale.

March 7th 1881.

A. L. Pridemore
Commissioner.

Samuel Haworth

2, 3 St. Prudence Con.
Report of Sale.

John L. Howse

Filed Mar 8th 1881.

James W. Orr. Clk.

Virginia.

At a circuit court continued and held for Lee County, at the
Court house thereof, on Friday the 7th day of April 1876.

Samuel Howard Sr

Plaintiff

In Debt,

vs
John H Howard

Defendant

The defendant not appearing, it is considered by the Court
that the judgment obtained against him in the clerks office
for \$105.19 the debt in the declaration mentioned, with
legal interest thereon from the 17th day of May 1870, until
paid and the costs be made final.

Attest

Lester James W Orr Clerk.

105.19
7.00
112.19

Samuel Howard Sr.

vs { Copy of Judgt

John F Howard

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee County—Greeting:

We Command You that of the Goods and Chattels of

John H Howard

Late in your baliwick, you cause to be made \$ *105.19* with legal interest thereon from the *17th* day of *May* 18*70* till payment, which *Samuel Howard Sr*

Lately in our *circuit* Court for Lee county has recovered against him by suit for *Debt* also \$ *700* which to the said *Samuel Howard Sr*. In our said Court were adjudged for his costs in that behalf expended, whereof the said *John H Howard* is

Convicted, as appears to us of record. And that you have the same before the Judge of our said Court at the Court house on the first Monday in *June next* to render to the said *Samuel Howard Sr*. of the *Debt* and costs as aforesald.

And have them there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *12th* day of *April* 18*76*. in the 10*0th* year of the Commonwealth.

to 4.00
\$ 2.50
\$.50
\$ 7.00

James W Orr. Clerk.
Acopy. Leste James W Orr. Clerk.

Samuel Howard Sr.

vs $\frac{1}{2}$ Hi Ha

John F. Howard

June Rules 1876

Not executed, no prop-
erty found.

Thos B Ely & Co

"A"

The Commonwealth of Virginia :

again
To the Sheriff of Lee County—Greeting.
We Command you to Summon *John F. Howard*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in
next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

March

by

Samuel Howard Sr.

And have then there this writ.

Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *27th* day

of

January

1880, in the 104th year of the Commonwealth.

James W. Orr, Clerk.

Samuel Howard
-Br.

vs $\frac{3}{2}$ Opa in Chancery

John F. Howard

March Rules 1880.

The Commonwealth of Virginia :

again
To the Sheriff of Lee County—Greeting.
We Command you to Summon

John H Howard

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in *March*
next, being rule day, to answer a bill in Chancery, exhibited in our said Court against *him* by

Samuel Howard Sr.

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *27th* day
of *January* 18 *80*, in the 104th year of the Commonwealth.

A copy
Teste James W Orr. Clerk.
James W Orr. Clerk.

The Commonwealth of Virginia:

TO THE SHERIFF OF LEE COUNTY---Greeting:

WE COMMAND YOU TO SUMMON

John F. Howard

to appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the
Clerk's Office, at *Feb.*

Rules next, to answer a bill in Chancery
exhibited in our said Court against *him by Samuel Howard Sr.*

And have then there this writ.
the Court-House, this *18th*
Commonwealth.

Witness. JAMES W. ORR, Clerk of our said court, at
1876, in the *10th* year of the

R W Orr DC
A copy Listo R W Orr DC

The Commonwealth of Virginia.

again
To the Sheriff of Lee County—Greeting :
We Command you to Summon *John F. Howard.*

To appear at the Clerk's office of the Circuit Court of Lee county, at the court-house, on the first Monday in Decr— next, being rule day, to answer a bill in chancery, exhibited in our said court against him

by Samuel Howard Sr.

And have then there this writ. Witness, Jas. W. Orr, clerk of our said court, at the court-house, this 14th day of Nov, 1877, in the 104th year of the Commonwealth.

James W Orr. Clerk.

Samuel Howard Sr-

vs } Alias & Co in Chy.

John H Howard.

Deer Rules 1879.

Executed by delivering

a Copy of the within To

John H. Howard

Nov 27th 1879.

Thos S Edy S. C. C.

The Commonwealth of Virginia:

TO THE SHERIFF OF LEE COUNTY---Greeting:

WE COMMAND YOU TO SUMMON

John S. Howard

to appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the
Clerk's Office, at *Feb.*

Rules next, to answer a bill in Chancery
exhibited in our said Court against *him by Samuel Howard Sr*

And have then there this writ
the Court-House, this

Witness. JAMES W. ORR, Clerk of our said court, at
18th day of *Decr* 1876 in the 10th year of the

Commonwealth.

J. W. Orr Jr. 26.

28
 18
 18 A Spa
 10
 18
 18
 18
 100
 20 Spa
 10
 18
 40 Exhibits
 36 Discre
 40
 1.50

1.50
 1.50

H & D

Samuel Howard Sr.
 is 3/4 Spa in Chip.
 John L. Howard
 Feby. Rules 1877

1877

and not paid

Standing No. 36-4

-IN-

LEE CIRCUIT COURT.

P'ffs ATTY.	<i>Howard Sumner</i>	Def'ts ATTY.
P'ffs costs.	<i>vs. Bill in</i>	Def'ts costs.
\$	<i>Chancery</i>	\$
	<i>John F Howard</i>	
Total \$		\$

Reference Docket... Page 32 Line 6

1st calling... Term 188

Decided... Term 188

357